

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal No. 8606 Harold B. Copenhaver, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting on April 27, 1966.

EFFECTIVE DATE OF ORDER -- June 27, 1966.

ORDERED:

That the appeal for a variance of the use provisions of the C-2 District to permit an auto body work and paint shop at 1313 through 1323 Linden Court, NE., alley lots 57 through 61 and 112, square 1027, be granted.

As a result of an inspection of the property and from the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) No appearance was made on appellant's behalf at the February hearing. The architect who was to represent appellant stated that he failed to receive notice of the hearing in time to appear. The architect appeared to present the case as a preliminary matter at the April hearing.

(2) An exterior inspection of the property was conducted on April 30, 1966.

(3) The property is located in an alley between G and H and 13th and 14th Streets, NE. There are other automobile repair shops in the immediate area. Access to the property is obtained through an alley running from H to G Streets. The proposed location of the shop fronts on a 30 foot alley. The buildings on H Street are used for commercial purposes, while the buildings on G Street are residences.

(4) Appellant presently operates an auto body work and paint shop opposite the present location where he has been in business for ten years. He states that his present lease is expiring and the location is now too small for his business.

(5) Appellant's lots at the proposed location total 72 feet in width by approximately 41 feet. The buildings total 72 feet by 25 feet. Appellant states that he can provide off-street parking of approximately 1424 square feet.

(6) Appellant states that the only physical alteration to the property will be the removal of three first floor partitions to provide an open area for automobiles.

(7) Two letters are on file in opposition to the granting of this appeal. No opposition was registered at the public hearing to the granting of this appeal.

OPINION:

We are of the opinion that this use variance can be granted without substantial detriment to nearby and adjoining property. Indeed, the proposed use is consistent with other uses conducted on nearby property in the same Court. As this property is located in an alley, the uses which can be located there are limited. We are of the view that no adverse affect will result from the use of this property as an auto body work and paint shop.